



# NEVADA STATE BOARD OF PHARMACY

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## MINUTES

March 19, 2020

### BOARD MEETING

via teleconference  
with public access at:  
Hilton Garden Inn  
7830 S Las Vegas Boulevard  
Las Vegas, Nevada

#### Board Members Present:

Krystal Freitas	Jade Jacobo	Wayne Mitchell	Helen Park
Gener Tejero	Richard Tomasso	Rolf Zakariassen	

#### Board Staff Present:

Dave Wuest	Yenh Long	Brett Kandt	Shirley Hunting
Joe Dodge	Leo Basch	Kristopher Mangosing	

President Park read the mission statement of the Nevada State Board of Pharmacy to reiterate the Board's duty to carry out and enforce the provisions of Nevada Law to protect the health, safety, and welfare of the public.

Mr. Wuest introduced and congratulated Rolf Zakariassen as Governor Sisolak's newest appointment to the Nevada State Board of Pharmacy for three-year terms.

#### 1. Call to Order and Roll Call – Establishment of Quorum

President Park performed the roll call. All Board Members were present and a quorum was established.

#### 2. Public Comment March 19, 2020, 9:00 AM

There was no public comment.

#### 3. Approval of January 15-16, 2020, Minutes

Board Action:

Motion: Wayne Mitchell moved to approve the January 15-16, 2020 Meeting Minutes.

Second: Jade Jacobo

Rolf Zakariassen abstained from voting on this matter due to his absence at the last meeting.

Action: Passed unanimously

4. Applications for Out-of-State Pharmacy License – Non Appearance

- A. Alliance Medication Services LLC – Tamaqua, PA
- B. Angels Pharmacy III LLC – Titusville, FL
- C. Costco Pharmacy #1348 – Jeffersonville, IN
- D. CVS/pharmacy #11339 – La Habra, CA
- E. Equinox Home Care, Inc. – Newport Beach, CA
- F. Fusion Rx Pharmacy – Fort Worth, TX
- G. Hill Derm Pharmacy Inc. – Sanford, FL
- H. HOMECARE RX INC. – Fairfield, NJ
- I. Jewel Pharmacy – Riverside, IL
- J. Lakeside Pharmacy – Lake Havasu City, AZ
- K. Meridian Meds, LLC – Lehi, UT
- L. Mixlab, Inc. – New York, NY
- M. Nob Hill Discount Pharmacy – Tamarak, FL
- N. SinfoniaRx, Inc. – Phoenix, AZ
- O. Somerset Pharmacy Inc – Somerset, KY
- P. Truepill NY LLC – Brooklyn, NY

Application for Out-of-State Compounding Pharmacy License – Non Appearance

- Q. National Pharmacy – West Hollywood, CA

Applications for Out-of-State Medical, Devices, Equipment and Gases License – Non Appearance

- R. Acentus – Tampa, FL
- S. AdaptHealth Patient Care Solutions Inc – Auburn, AL
- T. AdaptHealth Patient Care Solutions Inc – Moon Township, PA
- U. AdaptHealth Patient Care Solutions Inc. – Moorestown, NJ
- V. Military Medical Supplies – Anaheim, CA
- W. Royal Biologics, Inc. – Hackensack, NJ
- X. Sleep Management, L.L.C. – Phoenix, AZ

Applications for Out-of-State Wholesaler License – Non-Appearance

**Background Check Not Required by Law.**

1. Distributor for Single Manufacturer (NAC 639.593(7)(e))  
None
  2. Manufacturer (NAC 639.593(7)(d))
- Y. RedHill Biopharma, Inc. – Raleigh, SC
3. Publicly Traded (NAC 639.593(7)(a))  
None
  4. VAWD-Accredited (NAC 639.593(7)(c))
- Z. Kaiser Foundations Hospital – Oakland, CA  
AA. Phoenix Assurance, LLC – Memphis, TN
5. Manufacturer and VAWD-Accredited (NAC 639.593(7)(c) and (d))  
None
  6. Publicly Traded and Manufacturer (NAC 639.593(7)(a) and (d))  
None
  7. Publicly Traded and VAWD-Accredited (NAC 639.593(7)(a) and (c))  
None

**Background checks completed in compliance with NRS 639.500. No Disqualifying Events.**

- BB. Kaiser Foundation Hospitals – Livermore, CA

Application for Nevada Pharmacy License – Non Appearance

- CC. The ER at McCarran NW – Reno, NV

Krystal Freitas recused from participation regarding Item 4 CC.

Helen Park recused from participation regarding Item 4 D due to Roseman University's grant partnership with CVS Health.

Rolf Zakariassen recused from participation regarding Item 4 D due to his employment.

Jade Jacobo requested clarification regarding Item 4 O's services provided.

Mr. Wuest stated that Board Staff would contact Item 4 O to clarify the services provided.

**Board Action:**

**Motion:** Jade Jacobo moved to approve the Consent Agenda with the exception of Items 4 D and 4 CC.

Second: Wayne Mitchell

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved to approve Agenda Item 4 CC.

Second: Wayne Mitchell

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved to approve Agenda Item 4 D.

Second: Wayne Mitchell

Action: Passed unanimously

#### 5. Discipline

This agenda item has been continued to the next regularly scheduled Board Meeting.

#### 6. Status conference: Simplot Western Stockmen's (19-216-WH).

Greg Brower was present as counsel representing Simplot Western Stockmen's.

Mr. Kandt provided a brief summary that in December 2019, the Board continued this disciplinary matter on the conditions that Simplot Western Stockmen's suspend activity in Nevada until they become compliant with NRS 639.500.

Mr. Kandt presented a Stipulation and Order for the Board's consideration that Simplot Western Stockmen's surrender wholesale license WH01894 and noted two typographical corrections.

Mr. Brower had no objection to Mr. Kandt's summary or the Stipulation and Order presented.

Mr. Brower stated that at this time Simplot Western Stockmen's has made the business decision to abandon becoming VAWD certified and/or to resume wholesaling products into Nevada.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order with corrections as presented by Board Staff.

Second: Wayne Mitchell

Action: Passed unanimously

Agenda Items 7-23 have been continued to the next regularly scheduled Board Meeting.

24. Wholesalers Appearing Pursuant to NRS 639.500:

A. Anutra Medical, Inc. – Morrisville, NC

Jeff Danner, President, and Kevin Olcott, Vice President, appeared and were sworn by President Park prior to answering questions or offering testimony.

Mr. Olcott disclosed that in 1990 he was charged for driving under the influence.

Mr. Wuest stated that Mr. Olcott's disclosure was consistent with the results of his background check.

Mr. Danner disclosed that in 1995 he was arrested for theft, curfew violation, minor in possession and consumption.

Mr. Wuest stated that Mr Danner's disclosure was consistent with the results of his background check.

Mr. Danner and Mr. Olcott answered questions to the Board's satisfaction.

Board Action:

Motion: Wayne Mitchell moved that Anutra Medical, Inc. is in compliance with NRS 639.500.

Second: Rolf Zakariassen

Action: Passed unanimously

B. Broughton Pharmaceuticals – Savannah, GA (Ownership Change)

Brad Allen, CEO, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Allen disclosed three reckless driving convictions on his record.

Mr. Allen answered questions to the Board's satisfaction regarding his treatment and recovery.

Mr. Wuest stated that Mr. Allen's disclosure was consistent with the results of his background check.

Board Action:

Motion: Wayne Mitchell moved that Broughton Pharmaceuticals is in compliance with NRS 639.500.

Second: Rolf Zakariassen

Action: Passed unanimously

C. Primary Pharmaceuticals, Inc. – Ocean Springs, MS

Mr. Wuest stated that after review, Primary Pharmaceuticals, Inc. had no issues with compliance with NRS 639.500.

D. Qualanex – Libertyville, IL

Robert Goll, Director of Technology, and Laura Johnson, Director of Quality and Regulatory, appeared and were sworn by President Park prior to answering questions or offering testimony.

Mr. Goll disclosed that in 2002 he was arrested, but not convicted for reckless driving, and received two charges for DUI in 2006 and 2013.

Mr. Goll answered the questions to the Board's satisfaction and testified that he has had no issues since 2013.

Mr. Wuest stated that Mr. Goll's disclosure was consistent with the results of his background check.

Ms. Johnson disclosed a charge for DUI in 1987 and a charge for possession of marijuana in 1986.

Ms. Johnson answered the questions to the Board's satisfaction.

Mr. Wuest stated that Ms. Johnson's disclosure was consistent with the results of her background check.

Board Action:

Motion: Jade Jacobo moved that Qualanex is in compliance with NRS 639.500.

Second: Rolf Zakariassen

Action: Passed unanimously

E. Reliance Wholesale Inc. – Collierville, TN

Josh Navarro, President Reliance Wholesale Inc., appeared and was sworn by President Park prior to answering questions or offering testimony.

Richard Dreitzer was present as counsel representing Reliance Wholesale Inc.

Mr. Navarro disclosed charges and convictions for boat registration violation, automobile theft, possession of burglary tools and probation violations in 1993 and 1995 and a 2012 charge for DUI that was reduced to reckless driving.

Mr. Wuest stated that Mr. Navarro's disclosure was consistent with the results of his background check.

Mr. Navarro answered questions regarding his past arrests and probation.

Board Action:

Motion: Jade Jacobo moved that Reliance Wholesale Inc. is in compliance with NRS 639.500.

Second: Wayne Mitchell

Action: Passed unanimously

F. Salus Medical, LLC – Phoenix, AZ

Mr. Wuest stated that Salus Medical, LLC has voluntarily surrendered their license WH02487.

G. Vetsource - Portland, OR

Andrew Bain, COO Vetsource, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Bain disclosed a DUI charge in April 1990. He stated that he paid a fine and performed community services and has had no issues with law enforcement since.

Mr. Wuest stated that Mr. Bain's disclosure was consistent with the results of his background check.

Board Action:

Motion: Wayne Mitchell moved that Vetsource is in compliance with NRS 639.500.

Second: Krystal Freitas

Action: Passed unanimously

H. Victor Medical Company – Irvine, CA

Don Louchois, President Victor Medical Company, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Louchois disclosed that in 1994 he pled guilty to a charge of conspiracy and the unregistered manufacturing of an animal product.

Mr. Louchois stated that his company at the time was planning to manufacture an appetite stimulant used for horses that was unavailable at the time.

Mr. Wuest stated that Mr. Louchois' disclosure was consistent with the results of his background check.

Mr. Louchois answered questions to the Board's satisfaction.

Board Action:

Motion: Jade Jacobo moved that Victor Medical Company is in compliance with NRS 639.500.

Second: Wayne Mitchell

Action: Passed unanimously

- I. X-Gen Pharmaceuticals, Inc. - Horseheads, NY

Rob Liles, COO X-Gen Pharmaceuticals, Inc., appeared and was sworn by President Park prior to answering questions or offering testimony.

Alex Hirschfield was present as counsel representing X-Gen Pharmaceuticals, Inc.

Mr. Liles disclosed two charges and convictions for DUI in 2002 and 2011.

Mr. Wuest stated that Mr. Liles' disclosure was consistent with the results of his background check.

Mr. Liles answered questions to the Board's satisfaction regarding his past discipline.

Board Action:

Motion: Jade Jacobo moved that X-Gen Pharmaceuticals, Inc. is in compliance with NRS 639.500.

Second: Wayne Mitchell

Action: Passed unanimously

- J. Brothers Healthcare, Inc. – Riverside, CA

Scott Carthey, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Carthey disclosed that in 2008 he was arrested and convicted for reckless driving with alcohol.

Mr. Wuest stated that Mr. Carthey's disclosure was consistent with the results of his background check.

Mr. Carthey stated that he was on probation for six months and completed alcohol education and safe driving classes.

Mr. Carthey answered questions to the Board's satisfaction.

Board Action:

Motion: Krystal Freitas moved that Brothers Healthcare, Inc. is in compliance with NRS 639.500.

Second: Wayne Mitchell

Action: Passed unanimously

K. Direct Success Pharmacy Department - Farmingdale, NJ

David McDaniel, Executive, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. McDaniel disclosed that in the 1980's he was charged but not convicted for possession of marijuana and charged for driving under the influence in 1985.

Mr. McDaniel answered questions to the Board's satisfaction.

Mr. Wuest stated that Mr. McDaniel's disclosure was consistent with the results of his background check.

Board Action:

Motion: Wayne Mitchell moved that Direct Success Pharmacy Department is in compliance with NRS 639.500.

Second: Jade Jacobo

Action: Passed unanimously

L. Hospital Pharmaceutical Consulting – San Antonio, TX

Fred Battah appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Battah disclosed that he was arrested but not convicted due to his child calling 911 and hanging up the phone.

Mr. Wuest stated that Mr. Battah's disclosure was consistent with the results of his background check.

Board Action:

Motion: Jade Jacobo moved that Hospital Pharmaceutical Consulting is in compliance with NRS 639.500.

Second: Wayne Mitchell

Action: Passed unanimously

M. JAMS Rx Coconut Creek – Coconut Creek, FL

Peter Bizzarro, manager JAMS Rx Coconut Creek, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Bizzarro disclosed that in 1989 he received a ticket for minor in consumption of alcohol and was arrested the same year for failure to pay that ticket.

Mr. Wuest stated that Mr. Bizzarro's disclosure was consistent with the results of his background check.

Mr. Bizzarro answered questions to the Board's satisfaction.

Board Action:

Motion: Wayne Mitchell moved that JAMS Rx Coconut Creek is in compliance with NRS 639.500.

Second: Jade Jacobo

Action: Passed unanimously

N. Lifeline Pharmaceuticals – Miami, FL

O. Lifeline Pharmaceuticals 2 – Ocean Springs, MS

Rick Nielsen, CEO and President Lifeline Pharmaceuticals, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Nielsen disclosed that in 1996 he was arrested but not convicted for disturbing the peace.

Mr. Wuest stated that Mr. Nielsen's disclosure was consistent with the results of his background check.

Mr. Nielsen answered questions to the Board's satisfaction.

Board Action:

Motion: Wayne Mitchell moved that Lifeline Pharmaceuticals and Lifeline Pharmaceuticals 2 are in compliance with NRS 639.500.

Second: Rolf Zakariassen

Action: Passed unanimously

P. LLC Wholesale Supply – Tempe, AZ

Mr. Wuest stated that LLC Wholesale Supply has surrendered their license.

Q. Prodigy Health Supplier Corporation - Austin, TX

Kelli Skaggs, Vice President of Sales, Prodigy Health Supplier Corporation, appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Skaggs disclosed that in February 2012, she was arrested and convicted for DWI. Ms. Skaggs stated that she completed an alcohol education class and community service.

Mr. Wuest stated that Ms. Skaggs' disclosure was consistent with the results of her background check.

Ms. Skaggs answered questions to the Board's satisfaction.

Board Action:

Motion: Krystal Freitas moved that Prodigy Health Supplier Corporation is in compliance with NRS 639.500.

Second: Richard Tomasso

Action: Passed unanimously

R. Propharma Distribution, LLC – Arvada, CO

S. Propharma Distribution, LLC – Franklin, NC

Levi Ellis, President Propharma Distribution, LLC, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Ellis disclosed that he was arrested but not convicted for eluding the police in 2005 and in 2006 he pled guilty and paid a fine for disturbing the peace.

Mr. Wuest stated that Mr. Ellis' disclosure was consistent with the results of his background check.

Mr. Ellis answered questions to the Board's satisfaction.

Board Action:

Motion: Wayne Michell moved that Propharma Distribution, LLC is in compliance with NRS 639.500.

Second: Rolf Zakariassen

Action: Passed unanimously

T. Reliable Pharmaceutical Returns, LLC – Nashville, TN

Jason Hime, Secretary Reliable Pharmaceutical Returns, LLC, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Hime disclosed that he had two DUI charges in his past. Mr. Hime testified that he has had no issues with alcohol since 2010.

Mr. Wuest stated that Mr. Hime's disclosure was consistent with the results of his background check.

Mr. Hime answered questions to the Board's satisfaction regarding his treatment.

Board Action:

Motion: Jade Jacobo moved that Reliable Pharmaceutical Returns, LLC is in compliance with NRS 639.500.

Second: Wayne Mitchell

Action: Passed unanimously

U. Sola Pharmaceuticals – Baton Rouge, LA

Keith Lanasa, CEO Sola Pharmaceuticals, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Lanasa disclosed that he was arrested and charged for DUI in October 2017.

Mr. Wuest stated that Mr. Lanasa's disclosure was consistent with the results of his background check.

Mr. Lanasa answered questions to the Board's satisfaction.

Board Action:

Motion: Krystal Freitas moved that Sola Pharmaceuticals is in compliance with NRS 639.500.

Second: Richard Tomasso

Action: Passed unanimously

V. Terrain Pharmaceuticals – Reno, NV

James Maher, founding member Terrain Pharmaceuticals, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Maher disclosed that in October 2006 he pled no contest to charges of disorderly conduct and public intoxication. Mr. Maher explained that he paid a fine and attended a youth substance abuse program.

Mr. Wuest stated that Mr. Maher's disclosure was consistent with the results of his background check.

Mr. Maher answered questions to the Board's satisfaction.

Board Action:

Motion: Wayne Mitchell moved that Terrain Pharmaceuticals is in compliance with NRS 639.500.

Second: Rolf Zakariassen

Action: Passed unanimously

W. Westminster Pharmaceuticals, LLC – Olive Branch, MS

X. Greenhill Trading Inc – Brooklyn, NY

Y. H & H Wholesale Services, Inc. – Troy, MI

Mr. Wuest stated that Board Staff is waiting for background check results for Items 24 W, 24 X, and 24 Y and explained that he would schedule these Items for the next meeting if necessary.

Agenda Items 25-31 have been continued to the next regularly scheduled Board Meeting.

32. Review of Audit No. 20-05 - Board of Pharmacy Licensing Process **(Discussion Only)**

The Board heard this item in combination with Agenda Item 36 B.

33. General Counsel Report

34. Executive Secretary Report:

- A. Financial Report

Mr. Wuest presented the financials to the Board's satisfaction.

- B. Temporary Licenses
- C. Staff Activities:
  - 1. Meetings with Other Health Care Boards
  - 2. Opioid Prescribing for Nurses
  - 3. Legislative Committee on Regulations
  - 4. EBAC Meeting
- D. Report to Board:
  - 1. Licensing software update
  - 2. COVID-19 report

Mr. Wuest summarized the Board's efforts regarding dealing with COVID-19 and regulatory waivers and guidance.

- E. Board Related News
- F. Licensing Activities Report
  - 1. PMP Integration
  - 2. Naloxone at Burning Man

35. Notice of Proposed Regulation Public Hearing Pursuant to NRS 233B.061(2)

- A. **Amendment of Nevada Administrative Code (NAC) 453.510:** Schedule 1. The proposed amendment to NAC 453.510 will add Etizolam to the controlled substances listed in schedule 1. (LCB File No. R093-19)

Mr. Wuest and Ms. Long provided background information.

President Park opened the Public Comment.

There was no public comment.

Board Action:

Motion: Wayne Mitchell moved to adopt the proposed regulation.

Second: Jade Jacobo

Action: Passed unanimously

- B. This agenda item has been continued to the next regularly scheduled Board Meeting.

36. Notice of Proposed Regulation Workshop Pursuant to NRS 233B.061(2)

- A. **Amendment of Nevada Administrative Code (NAC) 453.520: Schedule II.** The proposed amendment to NAC 453.520 will add a precursor to fentanyl, 4-Anilino-N-Phenethyl-4-Piperidine (ANPP) (some trade or other names: 4-ANPP; despropionyl fentanyl), to the list of controlled substances listed in Schedule II.

Ms. Long provided background information.

Ms. Long stated that the proposed language was requested by the Crime Lab.

Board discussion ensued regarding scheduling ANPP in Schedule I.

Mr. Wuest stated that Board Staff would research if ANPP is a commercially available product.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed amendment and bring this matter to Public Hearing with the modification to schedule ANPP in Schedule I.

Second: Wayne Mitchell

Action: Passed unanimously

- B. **Amendment of Nevada Administrative Code (NAC) 639.** The proposed amendment relates to the licensing and regulation of wholesalers.

The Board heard this item in combination with Agenda Item 32.

Mr. Wuest provided background information regarding the audit.

Ms. Long read each audit recommendation into the record.

Mr. Kandt and Mr. Wuest discussed how Staff has updated licensing and background check procedures to comply with each recommendation and where it is listed in the proposed language.

President Park acknowledged Board Staff on taking accountability for the issues discovered by the audit and thanked Board Staff for their work on correcting the problem.

Board Action:

Motion: Richard Tomasso moved to adopt the proposed language and move forward to Public Hearing.

Second: Krystal Freitas

Action: Passed unanimously

C. This agenda item has been continued to the next regularly scheduled Board Meeting.

D. **Amendment of Nevada Administrative Code (NAC) 639.** The proposed amendment relates to the licensing and regulation of the practice of pharmacy.

Mr. Kandt explained that the proposed amendment clarifies that the Executive Secretary may require an applicant to appear before the Board if the application discloses any information that would be grounds for discipline.

After discussion the Board expressed support of the proposed amendment.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed language and move forward to Public Hearing.

Second: Wayne Mitchell

Action: Passed unanimously

37. This agenda item has been continued to the next regularly scheduled Board Meeting.

38. Date and Location of Next Scheduled Board Meeting:

April 15-16, 2020 – Las Vegas, NV

39. Public Comment March 19, 2020, 12:30 PM

40. Adjournment

President Park adjourned the meeting.